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STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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December 9, 1999

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

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Re: Washington Utilities and Transportation Commission's Petition for Additional
Delegated Authority to Implement Number Conservation Measures

Dear Ms. Salas:

Enclosed please find an original and five copies of the Washington Utilities and Transportation Commission's petition for additional delegated authority to implement number conservation measures. Please file-stamp one copy of this petition and return it to me in the enclosed envelope for our file. Thank you for your courtesies.

Very truly yours,

Carole Washburn
Executive Secretary

Enc.

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Petition for Declaratory Ruling and)
Request for Expedited Action on)
July 15, 1997 Order of the Pennsylvania)
Public Utility Commission Regarding)
Area Codes)
)
)
Implementation of the Local Competition)
Provisions of the Telecommunications)
Act of 1996)
)
_____)

NSD File No. L-97-42

CC Docket No. 96-98

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**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION'S
PETITION FOR ADDITIONAL DELEGATED AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Washington Utilities and Transportation Commission (WUTC) petitions the Federal Communications Commission (FCC) for additional delegated authority pertaining to number conservation measures. Specifically, the WUTC requests the authority to:

- (1) Enforce number assignment standards, including auditing the use of numbering resources, and reclaiming unused and reserved area codes;
- (2) Implement mandatory thousand number block pooling (TNP) trials using existing TNP software until the later editions are available;
- (3) Adopt interim number-assignment standards;
- (4) Implement interim unassigned number porting (INUP); and
- (5) Revise rationing procedures if necessary.

The WUTC will use this additional authority to delay new area codes in the 206, 425, 253, and 509 area codes and prolong the lives of new NPAs, such the 564 area code.¹

I. Background

A. The Need for Number Conservation Authority

At the beginning of 1995, Washington state had a population of 5.4 million² and two area codes – 206 and 509. Because each area code had almost eight million usable telephone numbers, the state had just over three potential telephone numbers per person. Today, less than five years later, Washington state has a population of 5.8 million, and it has six area codes – 206, 509, 360, 425, 253, and (our newest) 564. Our state now has enough potential telephone numbers to supply each citizen with more than eight telephone numbers.

Washington is a high-tech state, on the leading edge of the information economy, but we do not need eight telephone numbers per citizen. Rather, it is clear that, while there has been some increase in the intrinsic demand for telephone numbers as consumers and businesses purchase more telephone lines for voice, data, and fax communications and subscribe in greater numbers to wireless services, the nation's telephone numbering system is becoming increasingly inefficient. As is the case in many other areas of the telecommunications industry, a system that was adequate for many years under a monopoly regime is simply inadequate in an increasingly

¹On October 13, 1999, the WUTC ordered area code relief for the 360 area code. *In the Matter of Area Code Relief for the 360 Number Plan Area Filed by Lockheed Martin, IMS, for the Washington State Telecommunications Industry in the Form of an Overlay and Creation of the 564 Plan Area*, Order Implementing Area Code Relief Plan, WUTC Docket No. UT-990261 (Oct. 13, 1999). In this docket, the WUTC approved an industry plan to overlay "564" number plan area over the existing "360" number plan area, with a permissive dialing pattern to begin on February 5, 2000, and a mandatory dialing pattern to begin on July 29, 2000.

²See <http://www.ofm.wa.gov/popagesex19702020/popagesex19702020toc.htm>

competitive industry structure.

Washington consumers and businesses have paid the price as the industry has added area code after area code. The majority of telephone customers in western Washington now have a different telephone number than they did in 1995, and they now face the prospect of having to cope with mandatory 10-digit dialing for all local calls and having multiple area codes within the local calling areas of even the most rural areas of the state.

The WUTC believes that, had the industry used telephone numbers with even a modest level of efficiency, the introduction of three new area codes in 1995-96 would have satisfied the intrinsic demand for telephone numbers for many years. Instead, we now face the introduction of a new overlay code, 564, for the 360 area that was established in 1995. In addition, we have been informed by the national numbering administrator that two other codes – the 425 area that was established in 1996 and what is left of the original 206 area – will require relief within two years.

In the absence of effective and enforceable national standards for the use of numbering resources, the WUTC has concluded that it should seek the delegated authority commensurate with what the FCC has granted to other states in recent months. While we believe that numbering administration and policy are appropriately addressed at the national level, we also believe we need the additional delegated authority to protect consumers in Washington state who have already done their share to accommodate the industry's inadequate and inefficient numbering system.

B. Assignments of New Area Codes in Washington

In April of 1995, the WUTC held hearings regarding the dialing requirements for a new area code for western Washington. See WUTC Docket No. UT-950446. US West

Communications, Inc. (US West), the numbering administrator for Washington, notified industry and the WUTC that the 206 numbering plan area (NPA) was in potential exhaust and a short transition period between permissive and mandatory dialing requirements was necessary. The 360 NPA was created as one of the first of the new interchangeable prefixes (without a “1” or “0” in the middle position) in the nation. This created problems with unprepared calling technologies. The WUTC ordered an extended permissive dialing period and an industry-sponsored customer-education plan. Several businesses successfully sued US West claiming that the transition to the new 360 NPA harmed their business and that customers were unable to use the new dialing code.

On June 7, 1996, the telecommunications industry in Washington submitted a design in the 206 NPA in western Washington. See WUTC Docket No. UT-960770. This design, a “two-way” split, created two new area codes, 253 and 425. US West, as the numbering administrator for the region, facilitated the process and provided the information necessary for the industry to address the exhaust. Prior to 1996, the WUTC’s jurisdiction over the need for new area codes, the request for their assignment, and the appropriate geographic boundaries of area codes was an open question. The Telecommunications Act of 1996 clarified the respective roles of the FCC and state commissions.

On September 13, 1999, the North American Numbering Plan Administrator (NANPA), Lockheed Martin IMS, filed with the WUTC a plan to relieve the anticipated shortage of telephone numbers in the 360 area code. On September 22, 1999, the Commission approved the “overlay” plan for 360 and 564 NPA, ordering the industry to implement the proposed plan by July 29, 2000. See supra n.1.

On November 6, 1999, NANPA filed a notice with the Commission that the relief planning process was necessary for the 206 and 425 Washington NPAs. Based on the 1999 Central Office Code Utilization Survey (COCUS), the 206 NPA is projected to exhaust its supply of prefix codes in the second quarter of 2002. The 425 NPA is projected to exhaust in the fourth quarter of 2003.

II. Federal Requirements Regarding Number Conservation

On September 28, 1998, the FCC issued its Pennsylvania Order,³ in which the FCC determined that state commissions have authority to order NXX code rationing only in conjunction with area-code relief decisions where industry has not reached a consensus on a rationing plan, and that the FCC's Common Carrier Bureau (CCB) may delegate additional authority to state commissions to implement experimental number conservation efforts. Pennsylvania Order, ¶ 54. In addition, the FCC preempted states from taking action on various numbering issues, such as state commission action to administer or allocate NXX codes. Id. ¶ 33.

The FCC issued a Notice of Proposed Rulemaking (NOPR) on June 2, 1999.⁴ Through this rulemaking, the FCC intends to slow the rate of number exhaust and prolong the life of the North American Numbering Plan (NANP). NOPR, ¶ 1. However, the WUTC seeks additional

³*In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Commission Regarding Area Codes 412, 610, 215 and 717* (NSD File No. L-97-42), *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (CC Docket 96-98), Memorandum Opinion and Order on Reconsideration (Sept. 28, 1998).

⁴*In the Matter of Numbering Resource Optimization*, Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 99-122 (June 2, 1999).

authority to implement number conservation measures pending the outcome of the FCC's proposed rulemaking.

III. Requests For Delegation of Additional Authority

A. Enforce Number-Assignment Standards, Including Auditing the Use of Numbering Resources, and Reclaiming Unused and Reserved Prefixes (NXX Codes)

The WUTC requests authority to enforce number-assignment standards. The WUTC is in the best position to enforce number-assignment standards because of its familiarity with Washington's numbering situation, rate-center patterns, competitive environment, and typical uses of telephone numbers. The FCC should grant interim enforcement authority to the WUTC so that it may track NXX code assignments and ensure that numbers are being assigned to carriers having legitimate business plans to begin providing service in a timely manner in the areas for which they have requested, and been granted, NXX code(s).

Specifically, the WUTC requests that the CCB delegate to the WUTC the authority to:

- (1) Reclaim codes obtained in violation of Central Office Assignment Guidelines and any other applicable rules;
- (2) Reclaim codes which are being used to provide service in violation of state law;
- (3) Reclaim codes that were acquired by carriers certifying that they would be facilities-based, but have failed to establish facilities within the appropriate time frame;
- (4) Establish requirements for interim mandatory data reporting and forecasting of number utilization; and

- (5) Establish auditing procedures and implement random audits, in addition to any auditing efforts of the FCC and NANP.

As part of this enforcement authority, the WUTC seeks the authority to conduct audits of the use of numbering resources in order to identify, and address, inefficiencies in Washington state. Carriers likely will self-police their numbering resources if they are subject to audits regarding their use, particularly if the FCC were to enact rules imposing penalties for violations of numbering-utilization rules. See NOPR, ¶¶ 91-94. The WUTC also requests the authority to govern the reclamation of unused and reserved codes and to reclaim test codes that have not been put into service within the time frame set forth in the Central Office Assignment Guidelines.

B. Implement Mandatory Thousand-Number-Block Pooling (TNP) Trials Using Existing TNP Software Until the Later Editions Are Available

The WUTC requests that the FCC grant it authority to implement TNP trials. The WUTC is impressed by the successful implementation of a number pooling trial in Illinois where at least 1.37 million numbers have been conserved in the 847 area code. See Illinois Number Pooling Trial Within NPA 847, Interim Report (Apr. 26, 1999) (estimating 137 NXXs saved as a result of pooling);⁵ see also The State Scene, A Numbering Resource Publication for State Public Utility Commissions, at 4 (Sept./Oct. 1999) (To date, 316 thousand blocks have been assigned in the 847 NPA with pooling; that's the equivalent of saving 142 full NXX codes.).⁶ The WUTC believes that number pooling could bring similar benefits to Washington.

The WUTC requests authority to implement number-pooling trials based on the Illinois

⁵This report can be accessed at: <http://www.numberpool.com>.

⁶This newsletter can be found at: <http://nanpa.com/pdf/newsletters/Sept-Oct.pdf>

pooling experience, using the latest software release associated with that trial (currently version 1.4), with the understanding that it would be upgraded to the new nationally adopted standard (anticipated to be release 3.0 of the same software), once the FCC has made a decision on a national platform for pooling. The WUTC sees no practical reason why TNP should not be implemented, using the current industry standard, in any area code where the state is willing to bear the costs of TNP roll-out. The WUTC believes number-pooling trials could be administered by the number administrator.

C. Adopt Interim Number-Assignment Standards

The current numbering administration standards work against number conservation.

Under current numbering administration policies, carriers are allowed to:

- obtain numbers without demonstrating actual need;
- obtain numbers when they may have sufficient numbers within codes already assigned to them;
- obtain numbers even though they do not use them within the time frame required by the Central Office Code Administration Guidelines (Guidelines); and
- retain numbers even though they are resellers and do not require numbers in order to provide service.

The WUTC recognizes that the NOPR will address many of these issues. However, until the FCC develops standards for number assignment and utilization, and provides for their meaningful enforcement, the FCC should grant the WUTC interim authority to establish competitively neutral criteria for the acquisition and utilization of numbering resources.

Therefore, we request that the CCB delegate authority to the WUTC to:

- (1) Establish criteria for acquisition of codes based on a carrier's needs; and

- (2) Establish fill rates for growth codes that must be met before a carrier may acquire an additional code in a rate center where it already has a code.

In exercising this authority, the WUTC is committed to working with the CCB, and other state commissions that have this authority, in order to avoid imposing multiple, disparate number-conservation regimes on carriers.

D. Implement Interim Unassigned Number Porting (IUNP)

The WUTC requests authority to order all LNP-complaint carriers to implement interim unassigned-number porting (IUNP), or a functional equivalent, until TNP or individual telephone number pooling are implemented. While this solution may not meet all CLEC numbering needs, it will be useful in addressing situations where a CLEC has a limited need for numbers in a particular rate center.

The WUTC recognizes that this is not a long-term solution. However, we believe that interim unassigned-number porting is a pro-competitive measure in that it will allow CLECs to avoid the confusion associated with introducing a new NXX into a local calling area, especially in areas that have been served by a single NXX code for many years.

E. Revise Rationing Procedures If Necessary.

If necessary, and only as a last resort, the WUTC requests temporary authority to revise rationing procedures during the jeopardy period without industry consensus so that, in the event that other number-conservation measures are projected to be successful if given a few additional months to be fully implemented, NXX code rationing can be tailored to match the implementation cycle.

IV. Conclusion

On November 6, 1999, the WUTC was notified of the need to start relief planning for the 206 area code. The WUTC wants to address relief planning for the 425 NPA concurrently with the 206 NPA relief planning. While we believe that our requests for additional delegated authority will prolong the lives of the 206, 360, 425, 253, 564 and 509 area codes, we also recognize our obligation to implement area code relief when necessary.

For the reasons set forth in this petition, the Washington Utilities and Transportation Commission respectfully requests that the FCC grant this petition for additional delegated to implement the number conservation measures set forth above.

DATED this 8th day of December, 1999, at Olympia, Washington

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner

Washington Utilities and Transportation Commission
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